

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MUKESH KUMAR,

Petitioner

v.

CRAIG A. LOWE, WARDEN,

Respondent

Civil No. 3:17-cv-831

(Judge Mariani)

**FILED
SCRANTON**

JUN 22 2017

PER *gaw*
DEPUTY CLERK

ORDER

AND NOW, this 22nd day of June, 2017, for the reasons set forth in the Court's

Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. The petition for writ of habeas corpus (Doc. 1) is **GRANTED in part** to the extent that Petitioner will be afforded an individualized bond hearing.
2. An Immigration Judge shall afford Petitioner an individualized bond hearing within **fourteen (14) days** of the date of this Order.
3. At the bond hearing, the Immigration Judge must make an individualized inquiry into whether detention is still necessary to fulfill the purposes of ensuring that the Petitioner attends removal proceedings and that his release will not pose a danger to the community. *Chavez-Alvarez v. Warden York Cnty. Prison*, 783 F.3d 469, 475 (3d Cir. 2015). At this hearing, the Government bears the burden of presenting evidence and proving that continued detention is necessary to fulfill the purposes of the detention

statute. *Diop v. ICE/Homeland Sec.*, 656 F.3d 221, 233 (3d Cir. 2011).

4. Within ten (10) days of the Immigration Judge's hearing, Respondents shall report to the District Court on the outcome of the individualized bond hearing.
5. The Clerk of Court is directed to **CLOSE** this case.

A handwritten signature in black ink, appearing to read "Robert D. Mariani", written over a horizontal line.

Robert D. Mariani
United States District Judge